

REMARKS

Status of Claims

Claims 1-48, 53-66 and 69-73 are pending in the application.

Claims 5-8, 12-15, 23, 25, 29-31, 35-37, 53, 55-57, 60, 62 and 70-73 are withdrawn from consideration.

Claims 1-4, 9-11, 16-22, 24, 26-28, 32-34, 38-48, 54 and 63-66, and 69 are rejected under 35 USC 103(a).

Claims 58, 59 and 61 are objected to.

Claims 49-52, 67 and 68 were canceled previously.

Claim Amendments

Claims 1-4, 9-11, 16-22, 24, 26-28, 32-34, 38-48, 54, 63-66 and 69 are canceled without prejudice to entering the canceled subject matter in a continuation or divisional application.

Claims 58, 59 and 61 are amended to be in independent form.

Claim 65 is amended to adjust which claim it depends from.

Claim 66 is amended to remove overlapping ranges.

New claims 74 to 77 are drawn to pharmaceutical compositions.

No new matter has been introduced into the claims by way of these amendments.

35 USC 103(a)

Claims 1-4, 9-11, 16-22, 24, 26-28, 32-34, 38-48, 54, 63-66 and 69 are rejected under 35 USC 103(a) as obvious over Sauerberg et al. (WO 01/79150) in view of Pershadsingh et al. (US 6,028,088) and De la Brouse-Elwood et al. (US 6,200,995).

Applicants respectfully traverse. However, in order to expedite allowance and without prejudice to entering the canceled subject matter in a continuation or divisional application, Applicants have canceled claims 1-4, 9-11, 16-22, 24, 26-28, 32-34, 38-48, 54, 63-66 and 69, thereby rendering this rejection moot.

Fees

Applicants include in a separate paper a request for a 3-month extension of time as well as a Request for Continued Examination and the associated fees.

With the above-referenced claim amendments, 3 independent claims are pending and 10 total claims are pending. No additional claim fees believed due.

If any additional fees are due, the Commissioner is hereby authorized to charge payment of any fees due with this communication or credit any overpayment to Deposit Account No. 50-4674.

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Conclusion

Applicants submit that the claims are now in condition for allowance. Early notice to that end is earnestly solicited.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

Dated: February 8, 2010 By: / Samuel B. Rollins /
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